



DEPARTMENT OF PERSONNEL

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MEMO PERD #26/97
August 21, 1997

PERSONNEL COMMISSION MEETING
MINUTES OF APRIL 25, 1997

The agenda for this meeting was mailed to groups and individuals as requested.

I. CALL TO ORDER

The Personnel Commission was called to order at 9:38 a.m., April 25, 1997, at the Nevada Department of Education Conference Room, 700 E. Fifth Street, Carson City. Members present: Ted Manos, Claudette Enus, Victoria Riley and James Skaggs. Member absent: Teo Gamboa. Also present were Sharon Murphy and Freeman Johnson, representing the State Department of Personnel, and James Spencer, representing the Attorney General's Office.

II. ADOPTION OF AGENDA

Commissioner Skaggs' motion to approve the agenda was seconded by Commissioner Enus and unanimously approved.

III. MINUTES OF PREVIOUS MEETING

The minutes were adopted by acclamation, rather than by a vote.

IV. REGULATION CHANGES

Sharon Murphy, Director, Department of Personnel, stated the Legislative Counsel Bureau conducted audits of the payroll system and the personnel system during the last biennium. The payroll audit resulted in recommendations to review, update and clarify the regulations on premium pay issues such as call-back, stand-by, and shift differential; to provide training; and amend procedures regarding premium pay issues and the reporting of time. The Department is in the process of implementing these recommendations.

The Department also accepted the recommendations in the personnel audit related to the recruitment, examination, and hiring of financial managers in the State. Financial management positions were defined by the auditors as Accountant Technicians, Accountants, Budget Analysts, Management Analysts and Administrative Services Officers. The audit concentrated on these classes because the State receives and spends billions of dollars each year requiring highly-trained and knowledgeable financial managers to properly control, account for, and spend the funds. The auditors felt two of the following three conditions should exist in recruiting for financial managers: Expanded recruitment to increase competition, administration of written examinations, and strengthened minimum qualifications. The Department is implementing numerous changes to comply with the recommendations.

There are two specific recommendations in the personnel audit which relate to the regulations before the Commission. The first is to discontinue the practice of promotional transfers and the second is to reinstate regulations which would require an incumbent to meet minimum qualifications when reclassified. Consequently, the amendments before the Commission attempt to address those issues as they appear in the various portions of the regulations.

Chairman Manos expressed interest in the recommendation that the State implement some type of entry-level positions for financial management graduates. Commissioner Skaggs suggested creating a co-op program where the student has five years to complete a four-year degree program, with several work experiences interspersed. Ms. Murphy indicated that possibility would be explored.

Sharon Murphy indicated the Department is actively recruiting for college graduates, starting with the University of Nevada in Reno and Las Vegas. Letters were sent to the pending graduates in the College of Business and examinations will be administered on the campuses. Additionally, the Department is working with the College of Business at UNR to implement an intern program. Unfortunately, there are several obstacles which need to be addressed. One is State Industrial Insurance System coverage for an intern who is not paid. This would not be a problem for paid public service intern positions, but for those organizations wishing to hire students for credit, the question of coverage arises.

Chairman Manos asked that the Attorney General's Office look at creating a waiver in order to allow students to participate in such a program. Sharon Murphy stated there is legislation being reviewed by the Department of Personnel, the University System, and the Department of Education in order to create acceptable language.

Gary Crews, Legislative Auditor, Legislative Counsel Bureau, introduced Rocky Cooper and Mike Spell, who were the principal auditors on this project. The audit included an evaluation of the practices used by the Department of Personnel to recruit, hire, and promote financial managers in the State's classified personnel system. It was determined the State's personnel practices do not insure a highly qualified financial management work force.

Mike Spell, Supervising Auditor, Legislative Counsel Bureau, explained several areas of the audit. The fiscal management and related staff services occupational group account for over 1,000

positions. This occupational group includes the State's key financial management positions and other fiscal, clerical and administrative support staff. The auditors focused on 315 key financial management positions as of June 12, 1995. According to the Department of Personnel, of the 315 employees, 7% were minorities, and 62% were females. Seventeen percent of the business graduates at UNR and UNLV for the 1994-95 school year were minorities and 55% of the graduates receiving degrees in Accounting were women. Although approximately half of the State's financial management positions were filled through internal promotion, many of those promoted did not face any competition or take an examination. In addition, for financial management positions, the Department of Personnel allows an applicant's State experience to meet the requirements for college education. Because the responsibility for handling billions of dollars in taxes, fees and federal grants is placed on the State's financial management work force, it is critical they are highly qualified.

Millions of dollars are lost each year due to poor financial management and weak internal controls. These problems include lost resources, poor contract administration, inadequate accounting and information systems, and noncompliance with laws and regulations. Control weaknesses could be minimized by ensuring the State's financial managers possess the proper qualifications. Although each agency is required to develop written procedures to carry out the system of internal accounting and administrative controls, many have not. Legislative audit reports issued between 1991 and 1994 identified 32 agencies which had not yet developed adequate internal accounting and administrative controls. Furthermore, in July of 1996 at least 21 agencies reported to the Director of the Department of Administration that they had not developed effective internal control systems.

Reports issued by the Legislative auditors since 1991 have identified more than \$125 million dollars in audit exceptions. Many of these findings result from poor financial management practices and ineffective internal controls. During the 1995 legislative session the Legislature approved Assembly Bill 24 to help improve the internal controls in State government. This law created the Office of Financial Management, Training and Controls to provide training and assistance to State agencies.

Rocky Cooper, Legislative Auditor, stated the type of recruitment has a significant effect on the extent of competition. Promotional recruitments resulted in smaller candidate pools more often than open-competitive recruitments. By restricting or eliminating competition, the State has no assurance it is getting the best qualified financial managers available. In addition, other well-qualified financial managers in State government are not provided the opportunity to compete for higher level positions. For the 49 promotional recruitments audited, 20 of them had only one eligible candidate.

When the Department of Personnel authorizes employees to improperly transfer to higher-paying positions, the practice results in improperly promoting an individual without competition. Employees promoted through improper transfers do not have to take an examination to demonstrate their conceptual knowledge and technical skills. As such, State employees are promoted to key financial positions without determining the most qualified individual available. Improper promotional transfers also deny others the opportunity to compete for vacant positions.

State Personnel Regulations prohibit the direct transfer of employees to higher-paying positions. Through a multi-step process these restrictions can be circumvented. This process begins when an employee requests a transfer to a higher-paying position. Since regulations prohibit the direct transfer to a higher-paying position, the employee underfills the new position at or below their prior pay grade. The employee is then promoted to the authorized grade of the position, often the following day. Because there is a lack of competition in testing for financial management positions, the minimum qualification requirements and equivalency substitutions are critical to ensuring a highly qualified financial management work force.

The results of examinations given by the Department of Personnel indicate the minimum requirements for some positions are insufficient to ensure a highly qualified financial management work force. Combining the results from two recent open-competitive examinations given for Accountant II, 37 of the 42 applicants with a related college degree passed the examination. Only one of the 13 applicants without a related degree passed. When viewing the applicants' qualifications, those individuals with experience only did poorly on the exam. This is important if the applicants who did not pass the exam are State employees, because they still may be promoted to an Accountant II position by avoiding competition.

Half of the employees in the Accountant and Accountant Technician classes, which require a degree or college credits, did not meet the minimum education requirements. The regulations do not require employees to meet qualifications when their positions are reclassified due to changes in class specifications, establishment of new job classes, or when there is a significant change in an individual's duties. Most of these employees did not meet the minimum requirements because the educational requirements were increased by approximately six credits when the Accountant Technician class series was created during the 1993 occupational group study. Only one of 11 employees whose positions were reclassified from a clerical class to a financial management class had a related college degree. Therefore, even if the Department of Personnel raises minimum qualifications for appointments and promotions, this reclassification process could be used to circumvent the minimum qualification requirements.

When asked why an employee needs to meet the minimum qualifications if he is doing the job, Mr. Crews stated he is concerned the job may not be getting done as competently as possible. He believes this is the case now in financial management positions within State government. The argument that reclassification requiring minimum qualifications may be discriminatory against women appears faulty, as approximately 55% of college graduates with accounting degrees are women. If there are going to be minimum qualifications, they need to be enforced.

Commissioner Enus wanted assurance the auditors were not considering eliminating the combination of education and experience, but simply talking about tightening up the minimum qualifications. Chairman Manos also questioned whether auditors were advocating phasing out the possibility of meeting minimum qualifications through experience. Mr. Crews stated it is not their intent to reduce anyone's current position and certification programs could be implemented to show competency.

Chairman Manos thanked the auditors for their comments and the work they did, and the Department of Personnel for their cooperation and swift implementation.

SECTION 2 - NEW SECTION:	"Occupational Study" defined.
SECTION 3 - NEW SECTION:	"Individual Classification Study" defined.
SECTION 4 - NAC 284.126:	Creation of a new class, reclassification of position or reallocation of existing class.
SECTION 5 - NAC 284.132:	Temporary classifications.
SECTION 6 - NAC 284.134:	Reclassification through individual classification process: Status of Incumbents.
SECTION 7 - NAC 284.138:	Reclassification through the occupational study process: Status of incumbent.
SECTION 8 - NAC 284.182:	Date of record: Adjustment and retention of date.
SECTION 9 - NAC 284.206:	Special adjustment to salaries.
SECTION 10 - NAC 284.210:	Compensation for differentials in shifts.
SECTION 11 - NAC 284.214:	Compensation for being called out on an emergency or called back to work; compensation for a person required to appear as witness.
SECTION 12 - NAC 284.385:	Reemployment.
SECTION 13 - NAC 284.386:	Separation without prejudice; reinstatement.
SECTION 14 - NAC 284.390:	Transfers.
SECTION 15 - NAC 284.402:	Voluntary demotions.
SECTION 16 - NAC 284.404:	Reappointment.
SECTION 17 - NAC 284.5255:	Time sheets.
SECTION 18 - NAC 284.589:	Administrative leave with pay.

Robert Gagnier, Executive Director, State of Nevada Employees Association, stated the association concurred with Sections 10, 11, and 17, because they restore the regulations to their original intent.

Regarding the personnel audit, the State of Nevada Employees Association agrees with Sections 12, 13, 14, 15, and 16, pertaining to the practice of underfilling, then immediately promoting. Sections 4, 5, 6, 7, and 8 are being opposed. The concern is if an employee does not meet the minimum qualifications, he cannot be reclassified into the new classification. An employee may take on more and more duties, justifying a reclassification, but does not meet the minimum qualifications. The regulations say the duties must be taken away, but if the agency is small, it may not be able to afford two positions, and the employee may have to be let go. By taking on additional assignments, an employee may work himself out of a job. It is also important to understand the Accountant Technicians and Accountant positions have a minimum requirement of college credits in accounting. Mr. Gagnier stated if employees are doing the work, they should be paid for the work. It is believed, absolutely, that by hiring more college graduates, fewer promotions will be available to women in State government. By hiring more college graduates for entry-level positions, the college graduates will receive promotions over those who have worked their way up through the ranks and have the college credits in accounting.

Commissioner Enus stated if employees received additional education and training, they would be qualified for the higher-level positions. This would appear to give them an incentive to continue their education. Mr. Gagnier stated some agencies encourage additional education, while others do not. Every class in State government would be affected by the regulation, not just accounting and financial management positions. In some instances, the opportunity to acquire additional education may not be available. He stressed if someone wanted to compete for a promotion, it is the employee's responsibility to get the required skills to qualify. The concern is with an incumbent who is doing the job, is reclassified, and is then told he no longer can do the job because he does not possess the minimum qualifications.

Commissioner Enus stated the auditors brought up valid issues concerning the caliber of the work being done. If an employee was being given more and more higher-level duties and responsibilities, and he wished to avail himself of the opportunity for advancement, it is incumbent upon him to acquire the necessary skills to qualify for the higher-level position. There is a question that even though the individual may have taken on the additional duties, is the job being performed at the same level as someone who has additional education, training and experience.

Mr. Gagnier stated the agency should ensure the employee is performing the job at the appropriate level of expertise. Also, the Department of Personnel verifies the employee is doing the work when a position is reclassified.

Commissioner Riley stated the audit is taking a microcosm of 300+ financial management positions and applying it universally to all the positions through the State. This is a broad application and there is a question as to how it will work in other categories.

Sharon Murphy stated it is difficult to make a broad generalization over various occupational groupings because there are different qualifications for each. Four or five years ago the regulation required the employee to meet the minimum qualifications or come to the Personnel Commission for a waiver. In a five-year period preceding the change, there were four employees who requested a waiver. There would not be a significant impact by this regulation change based on past experience.

It was pointed out that Section 4 of the proposed regulation changes specifies that "an appointing authority must review and take into consideration the organizational structure and the qualifications of an incumbent before assigning new duties to a position which are intended to be permanent." When assigning duties, managers must take into consideration the abilities of that person to grow within the position. If additional duties are assigned to an employee who is not qualified, and the employee cannot meet the minimum qualifications within a year's time, the duties must be taken away.

Chairman Manos stated the bottom line is to increase professionalism in all State positions. If any inequities occur, there is an appellate process available. Though not agreeing with every recommendation, he felt the audit report brought forth areas of needed change.

Rob Easton, Personnel Officer, Department of Transportation, spoke to the call back pay issue. Call back pay is credited toward retirement, while overtime pay is not. In the past, individuals were credited with call back pay for the number of hours they worked beyond their normally scheduled eight hours if they were called back within the designated time. To some individuals, the extra amount credited towards their retirement might be deemed a benefit. Other individuals do not consider it a benefit, and would prefer not to have their pay reduced by a contribution into retirement. The suggestion is to allow the time to be credited as call back or as overtime, at the employee's discretion.

Commissioner Enus expressed concern regarding the administrative impact of implementing his suggestion. James Spencer explained the time on call back would go towards the total contributions to the Public Employees Retirement System, so the employee would have more retirement credits upon retirement no matter what the salary level. Upon retirement, the employee would have purchased more retirement time, so it does work as a benefit if you leave it as call back.

Sharon Murphy explained this issue was brought up as an audit exception. The wording for call back was felt to be too general and it was not being interpreted consistently by all agencies. The inconsistency of interpreting this regulation was a major concern of the auditors. As a result, the regulation was amended to specify if you were called into work, you would be credited for two hours of call back pay, with additional time credited as overtime. It is our opinion that the regulation must be interpreted consistently.

Commissioner Riley asked if employees were using call back pay towards the end of their service to build up tremendous retirement averages. Sharon Murphy answered she could not speak for the employees, but that was how it was interpreted in the audit.

In response to Chairman Manos' request for an explanation regarding Section 15, Jeanne Greene, Chief, Field Services, stated the regulation would prohibit an employee from demoting to a position as an underfill when the position is allocated at a higher level than the position the employee currently holds. For instance, an employee who is a grade 38 would not be able to demote to a grade 37 and then be promoted to a grade 39 through non-competitive means. Mr. Gagnier stated agencies frequently fill positions by allowing someone to underfill a position.

Commissioner Skaggs' motion to pass all of the regulations as presented was seconded by Commissioner Enus and unanimously approved.

V. PROHIBITIONS AND PENALTIES - DEPARTMENT OF INFORMATION SERVICES

Judy Thomas, Personnel Technician, Department of Information Services, presented the Prohibitions and Penalties.

Chairman Manos and Commissioner Skaggs felt some of the infractions should require much stronger penalties. Additionally, willful action and negligent action were combined when they are totally different levels of culpability.

Judy Thomas explained the infractions also carried termination as an option on the first offense. Not always is an action done with intent or malice; therefore, her department believes there should be a range of penalties. Her department believes there should be a range of penalties for most offenses based on severity, while the deputy attorney general's input assists in keeping the application of the penalties consistent.

James Spencer stated the Prohibitions and Penalties procedure is used to specify items unique to the agency and not listed in the regulations. Levels one through five, from verbal warning to dismissal, exist in the regulations; therefore, listing levels one through five does not clarify the level of discipline. Progressive discipline would protect the employee from arbitrariness, as an agency must check with the Attorney General to look at the level proposed before imposing discipline. There are many cases where the same type of offense occurs, but the circumstances vary concerning on the value of the item or the willfulness or negligence of the employee's actions. Combining negligent or willful in the same section is inappropriate because willful is always more severe than a mere oversight. Those types of issues should be separated.

Ms. Thomas stated employees are asked to sign a statement indicating they have received, read and understand the Prohibitions and Penalties. Therefore, her agency included in one document general regulations as well as rules specific to the Department of Information Services.

When asked by Chairman Manos if these guidelines expanded the discipline under NAC, Mr. Spencer responded no, that they limited it for the purposes of the agency, although it does not change what is in NAC 284. The range of verbal warning to termination can be limited by an agency, but not expanded.

Upon the suggestion of Chairman Manos and Commissioner Enus to rework the Prohibitions and Penalties and return to the Commission, Ms. Thomas withdrew the item from consideration.

Chairman Manos declared a break in the meeting at 11:30 a.m. The meeting reconvened at 11:48 a.m.

VII. CLASSIFICATION APPEALS

A. University of Nevada Police
Charles Clement, Administrative Sergeant

Charles Clement stated an occupational study was conducted at the University Police Department in 1990, resulting in the classes of officer, sergeant and lieutenant. In 1992, the position of administrative sergeant was created. The administrative sergeant had all the duties and responsibilities of the lieutenant position, other than the direct supervision of other sergeants and the 24-hour field operations of the department. It was his belief these extra duties would enhance his standing as a candidate when the lieutenant position was reactivated. In 1995, the position of lieutenant was created, but shortly thereafter it was eliminated. Since a promotional opportunity no longer existed, he submitted a reclassification request. It is his belief the only differences between administrative sergeant and lieutenant were direct supervision of the other sergeants and 24-hour supervision of the field operations of the department. Regardless of the written standards, the actual job required him to oversee the other supervisors and have overall control of the 24-hour field operations.

Chairman Manos stated the chief issued a memorandum in January redistributing the job duties of the abolished position of administrative sergeant between the detective sergeant and the day shift patrol sergeant.

Mr. Clement stated when he was an administrative sergeant, he had some authority over the other three sergeants, but that is no longer the case. Chairman Manos asked if Mr. Clement believes the restructuring of the sergeant positions was an attempt by the chief to negate the reclassification appeal. Mr. Clement felt his appeal was a factor. He stated the duties of the administrative sergeant will be given to the assistant chief. Mr. Clement stated he does not meet the qualifications for the position of assistant chief as he possesses an Associate degree, and a minimum requirement for the position is a Bachelor's degree.

Carolyn Foote, Personnel Analyst, University and Community College System, Business Center North, stated her responsibility is to review individual reclassification requests for significant change. In May 1996, a reclassification request was received from Mr. Clement to reclassify his position from University Police Sergeant to University Police Lieutenant. It was determined by her office and upheld on appeal by the Department of Personnel that his position was appropriately classified as a University Police Sergeant. This was based on the fact that Mr. Clement did not have full responsibility for the 24-hour field operation and did not have the full scope of responsibility over other sergeants.

Ms. Foote explained, in a reclassification request, an incumbent must establish significant change in duties and responsibilities assigned as a basis for reclassification. The significant changes addressed by Mr. Clement identify oversight at special events, scheduling of officers and sergeants, coordination with other agencies, coverage for officers and sergeants during sick leave, and representing the chief during his absence.

These changes are not significant to the position and are clearly described in the 1992 position description of a University Police Sergeant. It is typical of sergeants to organize and manage special events, schedule staff, coordinate with other agencies, administer and coordinate training needs and, on occasion, represent the chief. Lieutenants have direct supervision over first line supervisors and the supervision of the 24-hour field operation. Mr. Clement never had these responsibilities, as they were the responsibility of the chief. Even though some of his duties are different than those described in the class specification for the University Police Sergeant, they are not found to be substantially more complex. The key to determining whether a position is appropriately classified is whether the assigned duties are related to the series and class concept and whether they are comparable in terms of difficulty and complexity to duties considered characteristic of that class.

Robert Harmon, Assistant Vice President, Administrative Services, stated he became the appointing authority for the University Police Department July 1, 1996. One of his early concerns was the issue of continuity if the Chief position become vacant. In the past, there have been some problems when there has been a turnover in the Chief's position. It was decided, in the best interest of the department, to have the second in command prepared to take over if the Chief left. Mr. Harmon chose to make the second in command an administrative faculty position with requirements similar to the chief position. Most of the duties of a Lieutenant would go to the Assistant Chief, while some would be spread among the Sergeants. The decision to have Sergeants, Assistant Chief and Chief was made at the time Mr. Harmon became aware he was to become the appointing authority. The recruitment for Lieutenant was canceled when the decision was made to replace the position with the Assistant Chief position. Mr. Harmon asked Diana DeSimone if Mr. Clement's past duties warranted any additional pay. He was told while Mr. Clement's duties were more than the other Sergeants, they were still less than those of a Lieutenant. Therefore, he was not working out of class.

In response to Commissioner Riley's question concerning Mr. Clement's educational qualifications for the position of Assistant Chief, Mr. Harmon stated that most of the administrative faculty positions require at least a four-year degree. The Assistant Chief requires a four-year degree and experience at the level of Lieutenant or Assistant Chief, as does the position of Chief. It would not be practical to have someone in the position of Assistant Chief that could not meet the minimum qualifications for the Chief position.

Commissioner Enus stated the appeal asks that the position be classified as a lieutenant. In the process of the appeal the organization of the department has changed, eliminating not only the position of Lieutenant, but also the prior position Mr. Clement held. She indicated the Commission finds itself in the difficult position of trying to decide on an appeal where both of the pertinent positions have been eliminated.

Chairman Manos and Commissioner Enus voiced concern that there may be an inequity because it appears Mr. Clement was performing many of the duties of the unfilled Lieutenant position. Chairman Manos stated it is not the position of the Personnel Commission to dictate the organizational structure of an agency, nor is it appropriate to

dictate the choice of Lieutenant or Assistant Chief. The concern is whether or not Mr. Clement is owed some type of retroactive compensation.

Chief Kenneth Sjoen stated Mr. Clement was not given the duties of the Lieutenant position. Some of the responsibilities of the Lieutenant were transferred to the Administrative Sergeant position, but Chief Sjoen still retained 24-hour a day, seven days a week control and supervision of all supervisors, including Mr. Clement.

Commissioner Skaggs' motion to deny the appeal was seconded by Commissioner Enus and unanimously passed.

B. Department of Motor Vehicles and Public Safety - Capitol Police
Group Appeal by Officers and Sergeants

Randal Smith, Chief, Nevada Capitol Police, stated the spokesmen for the Capitol Police would demonstrate significant change in the duties and responsibilities mandated by the change in Nevada Revised Statutes enacted by the 1995 Legislature, as well as the broadening jurisdiction with the opening of the Grant Sawyer Office Building in Las Vegas, and placement as a division within the Department of Motor Vehicles and Public Safety. Chief Smith introduced Douglas Campbell, representing the officers, and Brad Valladon, representing the sergeants.

Officer Campbell stated the argument against reclassification has been the natural progression of duties within the current class specifications. He stated there has been significant change in responsibilities and duties brought about by the 1995 Legislature. There is no other law enforcement agency in the State responsible for the investigation of criminal activity occurring on State property. Since 1995, the Capitol Police have completed investigations on many diverse crimes within its jurisdiction. While the class specification requires Category II training, the Capitol Police are now being trained as Category I officers. Category I officers are empowered by law to perform broad spectrum law enforcement duties such as routine patrol, criminal investigations, enforcement of traffic laws and investigation of motor vehicle accidents. They have handled assaults, threats against public employees, bomb threats and burglary investigations.

Commissioner Enus asked what day-to-day changes in duties and responsibilities resulted from the regulatory revisions. Officer Campbell stated the day-to-day activities have not changed dramatically, but there is change as to the spectrum of laws enforced. The biggest change is responding to all calls having to do with a crime or suspected crime on State property, not just theft, trespass and damage.

Officer Campbell stated there is no normal progression from police officers with limited powers and authority, working for Buildings and Grounds, to police officers assigned to the Department of Motor Vehicles and Public Safety, who are required to perform a full range of law enforcement duties.

Dennis Kifer, Employee Representative, State of Nevada Employees Association, spoke in support of both the officers and sergeants. While agreeing with a two-grade differential, he stressed the change in duties is more than just natural evolution; it is a conscious effort to upgrade the skill level, general expectations and expertise of the force. The regulation changes expand their scope of duties, creating new areas of authority. Also, they are P.O.S.T. trained under Category I, even though the statute still refers to them as Category II. Although there are similar duties between the Capitol Police, University Police and Highway Patrol, there is a great disparity in grade levels. In the past, it seemed appropriate that the Capitol Police were classified lower than the University Police, but there seems no reason for the disparity now.

When asked by Commissioner Skaggs what other states do, Freeman Johnson stated some jurisdictions use the concept of State Police, detailed to different duties such as patrolling history, executive security, or building and grounds like the Capitol Police. Nevada differentiates between the duties and responsibilities.

Scott Slobe, President, State of Nevada Peace Officers Association, stated the Capitol Police are law enforcement officers charged with the protection of property and individuals throughout the State and they are not compensated properly. Their appeal for upgrade is being adamantly supported. Freeman Johnson stated the issue was one of classification and that compensation issues are addressed by the Legislature. We are restricted to our examination of their request based upon job content and classification factors. Chairman Manos stated it is also the Commission's duty to assure no inequities have prevailed.

Nancy Jeros, Service Employees International Union Local 1864, stated the number of incidents to which the Capitol Police respond is not relevant as they have the same responsibility no matter how many times they respond. However, the number of incidents is growing daily.

Henry Melendres, Personnel Analyst, representing the Field Services Division of the Department of Personnel, stated there were three changes which were recognized when he conducted the study. One was the reassignment from the Buildings and Grounds Division of the Department of Administration to become a new division within the Department of Motor Vehicles and Public Safety. Secondly, their patrol area has increased from five locations in Carson City to seventy locations in Carson City and Las Vegas. There was a staffing increase from one to three sergeants, and from six to twenty officers. Thirdly, the statute was changed to include the word "persons." He indicated significant change is the driving force in reclassification of a position. Without significant change, there is no justification to consider a reclassification action. He acknowledged the increase in locations and changes in equipment, patrol locations, policies and procedures resulting from the reorganization. He focused on the actual duties of officers and sergeants by asking those interviewed to compare their actual duties in 1991 with those in 1996. Even with the changes enumerated above, the sergeants' duties were still 90 per cent supervision and 10 per cent performing administrative duties. The officers' duties still included patrol, investigation, report writing, desk and dispatch duties for the protection of persons and

property. The occupational group study recognized they are sworn peace officers and they perform patrol, protection of employees and the public, investigation of criminal and civil offenses and report writing. Therefore, it was determined that the basic duties covering the preponderance of the job have actually not changed and did not require revision to the class specifications. In the absence of significant change and duties, the only purpose of reclassification would be to adjust the compensation.

Commissioner Skaggs commented the appeal is more an equity issue. Mr. Melendres stated the appellants were presenting it as such. Chairman Manos stated in the past, the Capitol Police had more of a security function, rather than the law enforcement duties they currently perform. Based on that, he believes there is an inequity. There appears to be a significant change in imposing the duties and responsibilities of full police officers. As a consequence, there should be no discrepancy between the University Police and the Capitol Police.

Mr. Melendres stated he compared the University Police to the Capitol Police as each is confined to a specific area and their law enforcement responsibilities include employees and visitors who come onto the property. He believed it would be inappropriate to compare them to the Highway Patrol who perform on the open highways.

Diana DeSimone, Personnel Director, University and Community College System of Nevada, stated P.O.S.T certified officers are brought in at a grade 28. They go through a field training program for up to one year and must meet the minimum qualifications for the higher level position before they are promoted to a grade 32.

Mr. Melendres stated during a recruitment they look for P.O.S.T. certified candidates, although it is not mandatory. Once hired, if the employee was not P.O.S.T. certified in Category I, the department would provide the appropriate training. While the statutes require Category II certification, the agency requires a Category I certification.

Commissioner Enus's motion to deny the appeal died for lack of a second. Commissioner Skaggs' motion to deny the appeal, but request a comparison study of the Capitol Police and the University Police was seconded by Commissioner Enus.

Diana DeSimone requested the study not only address whether the Capitol Police should be upgraded, but also if the University Police are properly compensated as well.

There being no further discussion, the motion was voted upon with three ayes and one nay (Chairman Manos).

VIII. UNCONTESTED CLASSIFICATION ACTION REPORT

No Vote Required

IX. SELECTIVE CERTIFICATION

No Vote Required

X. COMMENTS BY THE GENERAL PUBLIC

There were no comments forthcoming.

XI. APPEAL OF DENIAL TO EXAMINE (NRS 284.240(5) AND 284.245(2)) — J. L. Shoemate

Chairman Manos stated for the record the closing of the meeting is at the request of the appellant and has nothing to do with the actions of Mrs. Murphy or her predecessor in denying the appellant's request to examine. It is the intention of the Commission to honor Mr. Shoemate's request. Commissioner Enus asked Mr. Spencer if this might violate the Open Meeting Law. Mr. Spencer stated there may be discussion forthcoming concerning conduct or character; therefore, it is appropriate to close the meeting at the appellant's request. Commissioner Enus's motion to close the meeting was seconded by Commissioner Skaggs and unanimously approved.

The audience was asked to leave. Those remaining were Chairman Manos and Commissioners Enus, Skaggs and Riley; Sharon Murphy, Director of Personnel; Freeman Johnson, Chief, Technical Services; Jim Spencer, Senior Deputy Attorney General; Linda Meyers, Personnel Technician; and the appellant J. L. Shoemate.

Chairman Manos reopened the meeting and called for a motion. Commissioner Skaggs' motion to deny the appeal was seconded by Commissioner Riley and unanimously approved.

XIII. ADJOURNMENT

The meeting was adjourned at 2:50 p.m.

Copies of the agenda and the tapes are available at the Department of Personnel, 209 E. Musser Street, Room 300, Carson City, Nevada 89701-4204 upon request.

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